## THAW'S FIGHT TO BRING HIS CASE BEFORE A JURY

State Contends Court Has Not Power to Grant the Application.

DECISION DUE NEXT WEEK

Separate Habeas Corpus Hearing Postponed Until Next Month.

WHITE PLAINS, May 2 .- After hearing ents on the application of Harry K. Thaw, who shot and killed Stanford White, for a jury trial as to his mental condition Supreme Court Justice Keogh to-day took the briefs of the attorneys and announced that he would render-his decision next week. On application of William Travers Jerome, who appeared for the State and who said he must have at least three weeks to prepare his side of the case, Justice Keogh adjourned the original habeas corpus proceedings. which were set down for next Monday,

Thaw was not in court to-day. The argument was not in court to-day. The argument was solely on his right to a trial by a jury. Attorney-General Carmody was represented by his First Deputy, James C. Kellogg, and Clarence J. Shearn appeared in behalf of Thaw. In his argument to have Thaw's condition passed upon by twelve jurors Mr. Shearn said:

"I wish it understood that in making this motion it is no indication on my

this motion it is no indication on my part that I would prefer the judgment of jury to that of your Honor. If my own personal liberty was at stake I would submit it to your Honor. But in this instance it is the life and liberty of another. I find that for ages it has been the common belief of our Anglo-Saxon race that where a man's life or liberty is at stake he should have the right to refer the same to a jury.

Mr. Jerome said that the sole question involved is whether Thaw is entitled to a iavolved is whether Thaw is entitled to a jury trial. He challenged the power of the court to empanel a jury in a writ of habeas corpus case like this one. He said that if there had been any right to a jury trial it was waived in other habeas corpus proceedings. He said that in 1808 Thaw made a similar effort, but Justice Mills decided against him. An appeal was taken to the Appellate Division, but the majority sustained Justice Mills. Mayor Gaynor, then a Justice of the Appellate Division, wrote a dissenting opinion and the argument it contained was advanced by Shearn in Thaw's behalf.

Mr. Jerome strongly opposed the idea of Justice Keegh exercising any discretion and asserted that it would be of no avail to have a jury. He declared that it would be almost useless to get a jury of twelve men to assist Justice Keegh in deciding the case because of this long experience on the bench and in handling many cases from Matteawan asyjum.

Not Satisfied With Massachusetts Return—Seiberlich Responsible.

Boston, May 2.—If the name Frank J. Seiberlich had not been on the primary experience of the firemen and probably the same course taken with the engineers will be followed, eventually resulting in a board of arbitration being appointed. Chief Carter of the firemen was notified westerday that the conference of rail-road managers would hold a meeting as soon as possible to consider the demands of the firemen and probably the same course taken with the engineers will be followed. Exception to grant the demands of the firemen and probably the same course taken with the engineers will be followed. Chief Carter of the firemen was notified was probabled to grant the demands of the firemen and probably the same course taken with the engineers will be followed. Chief Carter of the firemen and probably the same course taken with the engineers will be followed. Chief Carter of the firemen and probably the same course taken with the engineers will be followed. Chief Carter of the firemen and probably the same course taken with the engineers will be followed. Chief Carter of the firemen was notified was probabled. The probable of the same course taken with the engineers will be followed. The probable of the same course taken with the engineers will be followed. The probable of the same course taken with the engineers will be followed. The probable of the same course taken with the engineers will be followed. The probable of the same course taken with the engineers will be followed. The probable of the same course taken with the engineers will be followed. The probable of the same course taken with the engineers will

insanity and only the clinical history of the wase can be presented so that no ordinary layman serving as a juror would understand. Twenty-eight volumes of testimony were taken at the first and second hearings. Would you submit such an important matter to a jury of inexperienced men? They would not comprehend it at all. It would be impossible to get a jury that had not read about the case nor discussed whether or not Thaw was justified in building Standford White. Many of the racis relating to the tragedy would creep into relating to the tragedy would creep into the case. I think that when the proces got into the jury room they would discuss the question whether Thew was justified in killing White instead of whether Thew

POINTS TO CHURCH WEAKNESS. RAILROAD FIREMEN Bishops Think Methodists Should

Make Greater Gains. MINNEAPOLIS, Minn., May 2.-Criticism of the condition which enabled the church to gain "less than 2 per cent. in its membership in the last year" and charges that the church press was being used "as a free forum by the promoters of disaffection" were made in the Bishops' report to the quadrennial general conerence of the Methodist Episcopal Church

The report, known as the "Episcopal ddress," was signed by eighteen Bishop in this and six Bishops in foreign countries and is regarded as the most important document to come before the conference as it contains the Bishops' recommendations for the future guidance and policy of the church.

The report was read by Bishop Earl ranston of Washington.

Another section, upon which the Bishops of the engineers and have made a de-Cranston of Washington.

Another section, upon which the Bishops have been at work since the last general conference at Baltimore four yearsago, will be delivered to-morrow.

"In the last year," said the report, "the church has made a net gain of only 55,000, which is less than 2 per cent, as the outcome of the year's activities and the outlay of many millions of dollars. The statistical paradox glares us out of countenance. It shames and humiliates us. What are honors of offices worth in any army that does not win battles? No marvel that some are proposing to reduce the Major-Generals to post duty and let the army dissolve into antique ecclesiastical camps."

This was a reference to a proposed limiting of the activities to a local district of the Bishops, whose jurisdiction is universal.

The set and the reignord managers expected would happen. Now they are waiting for the trainmen, conductors and other railroad and the Brother-hood of Locomotive Engineers have been left to a board of arbitration to adjust.

As the railroad managers expected would prevent and the reception committee. The Monsignor was at dinner when the steamer anchored. He received yesterday a wireless message from President Taft with greetings.

Every morning during the trip the Monsignor salore late trip to adjust.

As the railroad managers and other railroad sand the Brother-hood of Locomotive Engineers have been left to a board of arbitration to adjust.

As the railroad managers expected would mean a proposed limiting of the activities to a local district of the Bishops, whose jurisdiction is universal.

Soundand the occupied stateroom is accompanied by Theophile Papin, Jr., his secretary.

Monsignor was at dinner when the steamer anchored. He received yesterday a wireless message from President Taft would happen. Now they are waiting for the trainmen, conductors and other railroad managers figured is a board of arbitration to adjust.

As the railroad managers figured is differences to be a board of arbitration to adjust.

As the railroad managers fewench and the

# HORSE ON SIDEWALK

a sidewalk of Highland Falls complaint was made to the trustees at their meeting on Tuesday night with a request that the officer be penalized, just as a resident of the village thus offending would be. Lieut. Zell took to the sidewalk because

wis James on the power and an assuch the guardian of those of feeble and an assuch the guardian of those of feeble and unsound mind. The only time when the can be advised in this class of cases that g. the jury would be an advisor.

If a terms easily that the Than insanity proceedings had cost the State Edizor.

If a terms easily that the Than insanity proceedings had cost the State Edizor that under the ordinances children, may not even ride their beyoeless on the state of the state that the state of the state that the state of the state

"After all your years of experience," 253 of the 353 cities and towns. These said Mr. Jerome, 'you Honor is better show that 11,077 citizens invalidated the fitted to judge the merits of this case then a jury. This is not an ordinary case of insanity and only the clinical history of the vase can be presented so that no

# ASK FOR HIGHER PAY

Following the Engineers They Submit a Schedule of Wages and Conditions.

AN INCREASE OF \$25,000,000

Railroad Managers' Conference Will Call a Meeting to Consider Demands.

in the early days of the negotiations with the railroads that if the engineers went on strike the firemen would follow. The organization of the firemen, the

Brotherhood of Locomotive Firemen and Enginemen, has submitted its demands throug hits president, W. S. Carter, to J. C. tuart, vice-president of the Erie Rail-Village of Highland Falls Het

Up by Military
Affront.

Newburgh. May 2.—Because Lieut.
Cavalry, stationed at West Point as an instructor in French, rode his horse on instructor in French Henry W. Kent at the Metropolitan Musculation to the district cast of Chicago and north of the district cast of Chicago and nort road and chairman of the conference

der, \$2.70.

terday that at \$2.50 a day for an assistant freeman on each freight train the salary lists of the railroads would jump over \$10,000,000 a year from this item alone. It is likely that the managers will refuse to grant the demands of the firemen and probably the same course taken with the engineers will be followed, eventually resulting in a board of arbitration being appointed.

### VIOLET ROMER IN DANCES.

An American Girl Who Has Danced Abroad Gives Matinee Here.

Violet Romer, who has been dancing in the performances of "Kismet" at the Knickerbocker Theatre, was seen there yesterday in a more varied programme of dances than the incidental exhibi-

No one can say whether the eight Ecosevelt delegates at large will finally obey the Colonel's order and vote for Taft. Roosevelt's Boston organ says they will. A majority of the delegates to the colonel's fixed with success in the London music halls which have been cordial to other corresponding to the same phase of our representatives of the same phase of our

TIDAL WAVE DESTROYS TOWN. Fijian Village Wrecked and Survivors Starving.

VICTORIA, B. C., May 2 .- A tidal wave eighteen feet high swept over the Fijian own of Funa Point, wiping out the village of eighty houses, early last month, according to advices brought by the steamship Marama, which arrived to-day. The people were all killed or ruined and the few survivors have nothing to eat.

APOSTOLIC DELEGATE HERE.

Mgr. Bonsano Arrives at Quarantine on Koenig Albert.

The North German Lloyd steamer Koenig Albert arrived last night from Naples, bringing Mgr. Giovanni Bonzano, the newly appointed Apostolic Delegate. The firemen employed on the Eastern The steamer arrived at Quarantine at

## RODIN EXHIBITION AT THE MUSEUM OF AR

Passenger Service-Article 1-On engines ples of sculpture, Japanese and classical reighing 100 tons or over, exclusive of ten- antiquities. Of note among the new ac-On engines weighing 70 tons or over and from an unknown altar piece of the fourcessions are four panels of a predella On engines weighing 70 tons or over and less than 100 tons, exclusive of tender, \$2.50.

On engines weighing less than 70 tons, exclusive of tender, \$2.50.

Through Freight Service—Article 2—On engines weighing 120 tons or over, exclusive of tender (including Mallet and Mikado to Christianity. The panels are on view to the second of tender (including Mallet and Mikado).

bronze, a portrait bust of Jules Dalou in bronze, "The Tempest," marble relief; "The Bather," a marble statue; a portrait bust of "Madame X" in marble and an original study in baked clay for the statue known as "The Carytid."

## The Negligible Cliff-Dweller

O the cliff-dweller of New York, living in apartments de luxe, thinking in terms of tiaras, English lords and Monte Carlos—The Ladies' Home Journal is negligible.

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1,750,000 such homes. Judge these homes by judging the Journal. The Journal helps to make them.

A book on the subject of advertising may be obtained gratis by those interested.



Had No Title to Claims

Had No Title to Claims
Madame X in marble and an original study in baked clay for the statue known as "The Carytid."

BANK PRESIDENT ARRESTED.

Charged With Getting \$33,000 by Kitting Worthleas Draft.

Cincinnati, Ohio, May 2.—Elmore E. Galbreath, former president of the Second National Bank, was arrested to-day on a warrant issued to Bichard W. Goodhart, a special bank examiner representing the Computolier of the Currency.

The charge against Galbreath is that he miscupropriated \$35,000 of the bank's funds. It is alleged that Galbreath drew a draft for \$33,000 on the Third National Bank of \$1.000, which his largother, G. W. Galbreath is vice-president-placed this draft in the Second National, although he knew the starff against the St. Louis bank to be valueless.

Galbreath's bond was fixed \$45,000, wish his larged thank and took \$30,000 cash from the Second National, although he knew the starff against the St. Louis bank to be valueless.

Galbreath's bond was fixed \$45,000, which was furnished by a surety company.

When there be any further arrests in momental with the matter? Bank Examined the was planning to leave the country and that a judgment against bin would be worthless. Allen is the company found out the hands of the Clearing House Association on Appl 15. Nearly \$1,000,000 was lost on loans to the Ford-Johnson Chair company, of which political boss (George company) of the political boss (George company) of representatives of the same phase of our this draft in the Second National and took the same also comes from Calistatic delegates will vote for Champ Clark, although on the ballot they were pledged to Gov. Foss. In explaining the situation, Michael A. O'Leary, executive secretary of the Democratic State

To Bizet's "Minuetto" Miss Romer's Park.

To Bizet's "Minuet

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